



LAW ENFORCEMENT AND VICTIM SERVICES DIVISION
GOVERNOR'S OFFICE OF EMERGENCY SERVICES
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To: California Counter Drug Procurement Program (1033) Participants

From: Gary Howard, State Point of Contact 1033 Program

Re: Weapons Request Procedures

Under Section 1033 of the National Defense Authorization Act for fiscal year 1997 (10 U.S.C.2576a) the Secretary of Defense may transfer to Federal and State agencies personal property of the Department of Defense, including weapons, that the Secretary determines is suitable for use by agencies in law enforcement activities. Agencies in law enforcement activities are defined as government agencies whose primary function is the enforcement of applicable Federal, State and Local laws and whose law enforcement officers have powers of arrest and apprehension. All 1033 Program requests for weapons from State and Local law enforcement agencies within California must be submitted through the California Counter Drug Procurement Program. THE FOLLOWING PROCEDURES MUST BE FOLLOWED WHEN SUBMITTING REQUESTS.

On agency letterhead include the requested information in narrative form.

1. Administrative Data:

Agency Name, Address, Phone and FAX numbers. Full name of the chief executive official of the requesting agency. Full name of the weapons point of contact for the requesting agency.

2. Weapons Request:

Include the type and quantity of weapons being requested, intended use, and the anticipated impact such resources will have on the requesting agency's jurisdiction, as well as the impact on surrounding jurisdictions. Note: Restrict request types to M-14, M-16, and .45 Cal Pistols.

3. Jurisdiction Description:

List the size of the requesting Agency's jurisdiction by population and geographic area of responsibility.

4. Accountability:

Include a copy of your agency's policies for issuance, accountability, and storage of weapons.

5. **Written Assurances:**

- a. I, (chief executive official), have read and understand the terms and conditions applicable to weapon transfers as detailed in the Memorandum of Agreement between the Defense Logistics Agency and the Governor appointed State Coordinator.
- b. I, (chief executive official), am familiar with the bureau of Alcohol, Tobacco, and Firearms (BATF) regulations governing the registration of the requested weapons.
- c. I, (chief executive official), am familiar with the Gun control act of 1968 (18 U.S.C. 922), as it pertains to the requested weapons.
- d. (Requesting Law Enforcement Agency) has the ability to maintain, operate, and finance the requested weapons.
- e. I, (chief executive official) certify that (Requesting Law Enforcement Agency) is in compliance with the *Lautenberg Amendment* of 1996 (officially known as, 'Ban for Individuals Convicted of a Misdemeanor Crime of Domestic Violence' -- 18 U.S.C. § 922(g)(9))
- f. I, (chief executive official) verify that weapons received through the 1033 Program will not be assigned to any agency staff convicted of a misdemeanor crime of domestic violence.

6. **Terms and Conditions:**

"We have read and understands the California State Plan of Operation; It is signed by our agency and the 1033 Program State Coordinator; and our copy is maintained in our agency files. **We understand and agree to comply with the terms and conditions indicated therein. (Law Enforcement Agency) waives and releases any claim against the State of California and the Office of Emergency Services for any injury or loss that results in the use of weapons procured under this program.**

7. **Compliance with current Laws:**

"(Law Enforcement Agency) understand that failure to comply with the statements and assurance made in this request would be in direct conflict with the terms and conditions of this program. **We also understand that noncompliance may result in program decertification and other sanctions which may be imposed by OES**".

(Law Enforcement Agency) understands that a complete physical inventory of all weapons procured through the program is required annually and whenever there is a change of the weapons point of contact.

If further information is required, please contact _____ at _____.
(Contact Person's Name) (Phone and Fax Number)

Chief Executive Official

DATE

Signature Block